

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12512 of Robert B. Lucas pursuant to Paragraph 8207.11 of the Zoning Regulations for variances from the prohibition against enlarging a structure devoted to a non-conforming use (Sub-section 7107.1) from the prohibition against making structural alterations to a structure devoted to a non-conforming use (Sub-paragraph 7106.11a), from the rear yard requirements (Sub-section 3304.1) and from the lot occupancy requirements (Sub-section 3303.1) to permit an addition to a warehouse in the R-5-D District at the premises 425 L Street, N.W., (Square N-515, Lot 839).

HEARING DATE: October 25, 1977
DECISION DATE: November 2, 1977

FINDINGS OF FACT:

1. The subject property is located in an R-5-D Zone District. Prior to December, 1972, the property was zoned C-3-B. The change to R-5-D was made as part of the rezoning of the entire Mt. Vernon Square East area by Zoning Commission Order No. 58.
2. The subject Lot 839 is now vacant and is used by the applicant as a parking area for the adjacent warehouse, which the applicant also owns and operates.
3. The applicant proposes to use the subject property for the erection of an addition to the adjacent warehouse located to the west in the subject square.
4. The warehouse is used as a wholesale distribution point for alcoholic beverages. The requested addition would serve as an expansion of this use.

5. The subject property is located in the Mount Vernon Square East area of the Downtown Urban Renewal area.

6. The subject site lies north of the former Wax Museum. Square N-515 is designated for high density residential uses in the Downtown Urban Renewal Plan. The D.C. Department of Housing and Community Development expects to begin construction soon on a portion of the Wax Museum site immediately across L Street from the subject site.

7. With the change of Zoning (Zoning Commission Order 58) the wholesale liquor business became a non-conforming use.

8. The applicant indicated that the proposed addition is needed to accommodate business needs. The addition would occupy 100 per cent of the lot, would not provide a rear yard, would require structural alterations to the existing structure devoted to a non-conforming use, and would allow extension of a non-conforming use.

9. The standards of the R-5-D District limit the percentage of lot occupancy to seventy-five percent and requires a minimum rear yard of twelve feet. A wholesale establishment is first permitted as a matter of right in a CM District, as is a storage facility.

10. There was no Advisory Neighborhood Commission report in this application.

11. The Municipal Planning Office by report dated October 21, 1977, recommended denial of this application on the grounds that the expansion of the non-conforming use would not be appropriate and that the required variances to expand the non-conforming use would not be in keeping with the spirit and intent of the Zoning Regulations.

CONCLUSIONS OF LAW AND OPINION:

The Board is of the opinion that the granting of the requested variances to expand a non-conforming use would not be in keeping with the spirit and intent of the Zoning Regulations concerning

non-conforming use. The Board concludes that the Zoning Commission had full knowledge of the existing commercial uses in the area when it rezoned the area from C-3-B to R-5-D. The Board concludes that the granting of these variances would be contrary to the intent of the Zoning Commission in establishing R-5-D residential zoning for the area and in terminating the prior existing commercial zoning. The Board notes that the subject property lies within the Mount Vernon Square East section of the Downtown Urban Renewal area, and that the D.C. Department of Housing and Community Development expects to begin construction of new residential units on a portion of this area soon. The Board therefore concludes that the enlargement of this non-conforming use would have an adverse impact on surrounding property. It is therefore ORDERED that this application is hereby DENIED.

VOTE: 4-1 (Charles R. Norris, William F. McIntosh, Walter B. Lewis, Leonard L. McCants to DENY, Chloethiel Woodard Smith to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 29 NOV 1977

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12513 of David G. Harris, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against enlarging a structure devoted to a nonconforming use (Sub-section 7107.1), from the prohibition against making structural alterations to a structure devoted to a non-conforming use (Sub-Paragraph 7106.11a), from the rear yard requirements (Sub-section 3304.1) and from the lot occupancy requirements (Sub-section 3303.1) to permit an addition to a health club in the R-5-D District at the premises 413 "L" Street, N.W., (Square N-515, Lot 804).

HEARING DATE: October 25, 1977

DECISION DATE: November 2, 1977

DISPOSITION: Application DENIED by a vote of 4-1 (William F. McIntosh, Walter B. Lewis, Leonard L. McCants and Charles R. Norris to deny, Chloethiel Woodard Smith to grant)


FINAL DATE OF ORDER: December 2, 1977

ORDER

Upon consideration of applicants' Motion for Reconsideration dated November 20, 1977, the Board finds that the motion fails to state an acceptable basis of error on the part of the Board to support a motion for reconsideration. It is therefore ORDERED that the Motion for Reconsideration be DENIED.

DECISION DATE: December 6, 1977

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Chloethiel Woodard Smith, Charles R. Norris, and Leonard L. McCants)



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 14 DEC 1977